

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WAYNE WINCHESTER,  
Plaintiff,  
v.  
FPR II, LLC,  
Defendant.

Case No. 5:15-cv-01860-EJD

## PRETRIAL ORDER (JURY)

The above-entitled action is scheduled for a Trial Setting Conference on January 14, 2016. Based on the parties' Joint Trial Setting Conference Statement, the court has determined an appearance is unnecessary at this time. Accordingly, the Trial Setting Conference is VACATED and the parties are ordered to comply with the following schedule.

IT IS HEREBY ORDERED that, although the parties will not be excused from participating in mediation, the court is willing to extend the deadline for completion of ADR based on the mediator's assessment of the matter. At this time, the deadline to complete mediation is CONTINUED to February 29, 2016. This deadline may be extended further if, through a stipulation or administrative motion, the court is notified of the mediator's preference that Plaintiff personally attends the ADR session.

IT IS FURTHER ORDERED that Plaintiff's motion for an extension of the case management deadlines is DENIED WITHOUT PREJUDICE to being renewed through an administrative motion which demonstrates good cause under Federal Rule of Civil Procedure 16 for amendments to the scheduling order.

1 IT IS FURTHER ORDERED that the following schedule shall apply to this case:

2 EVENT	3 DATE
4 Final Pretrial Conference	5 11:00 a.m. on January 26, 2017
5 Joint Final Pretrial Conference Statement, Motions <i>in Limine</i> 6 and Exchange of Exhibits	6 January 12, 2017
7 Voir Dire Questions, Proposed Jury Instructions, and 8 Proposed Jury Verdict Forms	7 January 16, 2017
9 Jury Selection	8 9:00 a.m. on February 7, 2017
10 Jury Trial <sup>1</sup>	9 February 7-8, 2017; February 10, 10 2017; February 14-15, 2017; 11 February 17, 2017
12 Jury Deliberations	12 February 21-21, 2017

13 IT IS FURTHER ORDERED that the parties shall comply with the Standing Order for  
14 Civil Cases, a copy of which is available from the Clerk of the Court,<sup>2</sup> with regard to all pretrial  
15 submissions.

16 The court advises the parties that this is the **final case schedule**. All parties are expected  
17 to comply as directed above. This schedule will not be amended further absent the presentation of  
18 good cause necessitating such an amendment.

19 **IT IS SO ORDERED.**

20 Dated: January 8, 2016

21   
22 EDWARD J. DAVILA  
23 United States District Judge

24 <sup>1</sup> Jury trials will be held in full day sessions on Tuesdays, Wednesdays and Fridays, unless the  
25 Court specifies otherwise. On the date set for jury selection, counsel should be prepared to  
commence trial proceedings immediately after a jury is identified. The final trial schedule will be  
confirmed at the Final Pretrial Conference.

26 <sup>2</sup> A copy of Judge Davila's standing order is also available on the court's website at  
www.cand.uscourts.gov by clicking first on the "Judges" button, then on Judge Davila's name,  
27 then on the link for "Judge Davila's Standing Orders," and finally on the link for "Standing Order  
for Civil Cases."